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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REALNETWORKS, INC., a Washington
corporation,

Plaintiff,

v.

MLB ADVANCED MEDIA, L.P., a Delaware
limited partnership,

Defendant.

Case No.

CV-04-0511-1
PLAINTIFF'S MOTION TO FILE
DOCUMENTS UNDER SEAL

FDB



04-CV-00511-M

Plaintiff RealNetworks, Inc. ("RealNetworks") respectfully moves this Court for permission to file the exhibits to its Complaint, and its Motion for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue and related pleadings under seal. Documents may be filed under seal upon a showing that the public's right of access is outweighed by the interests of the public and the parties in protecting the documents from public view. Fed. R. Civ. P. 5.

The terms of RealNetworks' current 2004-05 MLBAM Contract with MLB Advanced Media, L.P. ("MLBAM"), and the terms of RealNetworks' prior Contract with MLBAM, impose certain obligations on the parties: "to communicate jointly and to coordinate statements regarding the MLBAM and RealNetworks relationship," and to maintain the confidentiality of each party's confidential business information. Throughout the course of their business relationship, the parties have communicated to each other confidential information pertaining to

PLAINTIFF'S MOTION TO FILE DOCUMENTS UNDER
SEAL- 1

SUMMIT LAW GROUP PLLC
315 FIFTH AVENUE SOUTH, SUITE 1000
SEATTLE, WASHINGTON 98104-2682
telephone (206) 676-7000
fax (206) 676-7001

1 the 2004-05 MLBAM Contract and other related business dealings. Pursuant to the obligations
2 imposed by the 2004-05 MLBAM Contract, RealNetworks and MLBAM have made significant
3 efforts to keep such information confidential from competitors and the public. Consequently, the
4 documents proposed to be filed under seal contain confidential and business information
5 belonging to RealNetworks and MLBAM, which, if disclosed to the public or the parties'
6 competitors may unfairly and adversely affect competition.

7 RealNetworks' filings also necessarily contain highly sensitive business information
8 regarding its products and business activities which are usually kept confidential by the
9 company. This information is essential to fully and accurately present RealNetworks' claims to
10 the Court. Filing under seal is necessary to ensure that RealNetworks can present evidence and
11 factual information essential to the Court's determination of the case without risk that such
12 information will be disseminated to competitors or the public at large.

13 RealNetworks contemplates that, given time and opportunity, the parties will negotiate
14 and agree upon the terms of an appropriate Protective Order that will apply to the parties'
15 confidential information. Upon issuance of such Protective Order, the necessity of retaining
16 these documents under seal should be reviewed. Until such time that a Protective Order is issued
17 by the Court, however, RealNetworks requests that its highly sensitive business information be
18 protected under seal.

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2 A copy of the proposed order is filed with this motion.

3 DATED this 9th day of March, 2004.

4 Respectfully submitted,

5 SUMMIT LAW GROUP PLLC

6
7 By: 

Ralph E. Palumbo, WSBA # 04751

Lynn M. Engel, WSBA # 21934

8 Denise L. Ashbaugh, WSBA # 28512

9 Attorneys for RealNetworks, Inc.

10 315 Fifth Avenue South, Suite 1000

11 Seattle, WA 98104-2682

12 (206) 676-7000

13 (206) 676-7001 (facsimile)